

REMARKS

Claims 1-6, and 21-34 are pending in this Application, by this Amendment, claims 1, 4 and 31 are amended. Support for amended claims may be found in paragraph [0042], for example, in the instant specification. Reconsideration and allowance of this Application are respectfully requested.

ENTRY OF AMENDMENT AFTER FINAL REJECTION

Entry of the Amendment is requested under 37 C.F.R. § 1.116 because the Amendment: a) place the application in condition for allowance for the reasons discussed herein; b) do not present any additional claims without canceling the corresponding number of final rejected claims; and c) place the application in a better form for an Appeal, if an Appeal is necessary. Entry of the Amendment is thus respectfully requested.

EXAMINER'S INTERVIEW

Applicants appreciate the courtesies extended to Applicants' representative during a telephone interview conducted on March 29, 2006.

During the interview, Applicants' representative asserted that the applied reference of Helander (USP 6,728,237) fails to disclose or suggest "receiving the cell load information at a first reporting periodicity, if the cell is determined to be in a low cell loading state, and receiving a cell loading permission at a second reporting periodicity higher than the first reporting periodicity, if the cell is determined to be in a high cell loading state", as recited in claim 1, and similarly recited in claim 4. Specifically, Applicants argued that Helander fails to disclose the "first and second periods". Examiner, at first, was not persuaded by Applicants' arguments, and stated that Helander still reads on the claimed invention, as broadly interpreted.

Applicants' representative then suggested further claim amendments to more positively to recite the claimed invention. Specifically, Applicants' representative suggested that the "second reporting periodicity is more frequent than the first reporting periodicity, if the cell was determined to be in a high load cell state," as taught in paragraph [0042], for example, in the specification. The Examiner was receptive to this amendment and suggested Applicants to formally file a response so that he may formally consider the Amendment.

Accordingly, Applicants have amended the claims as agreed by the Examiner for the Examiner's consideration. Allowance of this application is respectfully requested.

CLAIM REJECTIONS – 35 U.S.C. § 103

Claims 1, 4, 21, 23, 24, 26, 28 and 29 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Helander, USP 6,728,637. This rejection is respectfully traversed.

Applicants submit that Helander fails to disclose a method of receiving cell loading information in a wireless communication system, comprising *inter alia* receiving the cell load information at a first reporting periodicity, if the cell is determined to be at a low cell loading state, and receiving the cell load information at a second reporting periodicity more frequent than the first reporting periodicity, if the cell is determined to be in a high cell loading state,” as recited in claim 1, and similarly recited in claim 4.

The Examiner alleged that the “piggy-backed” pay load message of Helander corresponds to a ‘second reporting periodicity’. However, it is submitted that Helander’s piggy-backed load status information on pay load message has nothing to do with changing the actual reporting periodicity based on cell loading. The piggy-backing is for loading uneven load distribution (see Fig. 9, and col. 9, lines 10-14); thus Helander makes no connection between changing the rate of a reporting periodicity (more frequently) based on an actual determination of cell loading states.

Moreover, col. 12, lines 18-32 of Helander discloses:

[i]n an alternative embodiment, as referred to above, the second message transportation system 44 and the second processing means 40 may not necessarily contain a timer 41 but load status information may be sent with every packet arriving to the message composing means 47. Still further, as also discussed in the foregoing, detecting means may be provided to detect a change in the local load status in which case it activates the sending of load status information from the local load status indicator 46 to the message composing means 47. A limit may also be given, upon the exceeding of which limit, the provision of load status of information to the message composing means 47 is activated. Such limit may be reconfigurable and controlled by a separate control means being provided to control a number of, or all, second processing means in the packet data node.

That is, Helander discloses activating the load status information when a limit is met. Thus, there is no mention or suggestion in the disclosure of Helander that teach receiving the cell load information at a second reporting periodicity more frequent than the first reporting periodicity, if the cell is determined to be at a high cell loading state, as recited in claim 1, and similarly recited in claim 4.

For at least these reasons, claims 1 and 4 is allowable. Claims 21, 23, 24, 26, 28 and 29 which depend on either claim 1 or 4 are also allowable by virtue of their dependency on independent claims 1 or 4. Withdrawal of the rejection is respectfully requested.

Claims 2 and 5 are rejected under 35 U.S.C. § 103(a) as being unpatentable of Helander in view of Ahn, US Patent Publication 2002/0022487. This rejection is respectfully traversed.

As discussed above, Helander fails to disclose or suggest the claimed invention as found in claim 1, the independent claim from which the rejected claims depend. Further, Ahn fails to overcome the noted deficiencies of Helander. Thus, it is respectfully requested that the rejection be withdrawn.

Claims 22, 27, 31 and 32 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Helander in view of Maslun, USP 6,223,031. This rejection is respectfully traversed.

As similarly discussed above with respect to claims 1 and 4, claim 31 fails to disclose or suggest the claimed invention, specifically, “reporting one of the periodic intervals is more frequent than the other periodic interval”.

Further, Maslun fails to overcome the noted deficiencies of Helander. Thus, it is respectfully requested that the rejection be withdrawn.

For at least these reasons, Applicants respectfully submit that Helander, Ahn and Maslun, individually or in any combination, fail to disclose or render obvious the features recited in independent claims 1, 4 and 31. Claims 2, 3, 5, 6, 21-30 and 32-34, which depend from the independent claims are likewise distinguished over the applied art for at least the reasons discussed, as well as for the additional features they recite. Reconsideration and withdrawal of the rejections are respectfully requested.

CONCLUSION

In view of the above, Applicants earnestly solicit reconsideration and allowance of all of the pending claims.

Should there be any matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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